



# Ratification Status

The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (“the Convention”) entered into force on February 15, 1999.<sup>1</sup>

As of June 10, 2000, twenty-one countries had deposited an instrument of ratification with the OECD: Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Finland, Germany, Greece, Hungary, Iceland, Japan, Korea, Mexico, Norway, the Slovak Republic, Spain, Sweden, Switzerland, the United Kingdom, and the United States. The table on page 6 provides information on all signatories with regard to domestic ratification, enactment of implementing legislation, deposit of an instrument of ratification, and entry into force of the Convention.

In most of the signatory countries that have not com-

pleted the steps necessary to bring the Convention into force, there has been notable progress in preparing implementing legislation and obtaining the necessary authorizations for ratifying the Convention. Most of these countries should complete this process by the end of 2000 or early 2001. The following status report on their internal legislative process is based on information obtained from U.S. embassies and reporting from the countries themselves to the OECD, which is now publicly available at <http://www.oecd.org/daf/nocorruption/annex2.htm>.

## Argentina

On November 12, 1999, the government submitted the Convention for ratification to Parliament. The Chamber of Senators’ Committee on Foreign Relations approved the ratification bill without objection on February 28, 2000, and the full Senate is expected to approve it without debate as soon as a vote is scheduled. The bill could clear the Senate before the July recess. The Chamber of Deputies must also approve the bill for it to become law. Separately, the international affairs unit of the Ministry of Justice is reviewing draft legislation to bring the criminal code into harmony with the Convention. The legislation will be submitted after the instrument of ratification is deposited. The government expects to complete ratification of the Convention and enact implementing legislation before the end of 2000.

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<sup>1</sup>Article 15 of the Convention states that the Convention shall enter into force on the sixtieth day following the date upon which five of the ten countries which have the ten largest shares of OECD exports and which represent by themselves at least 60 percent of the combined total exports of those ten countries, have deposited their instruments of acceptance, approval, or ratification with the OECD Secretariat. For each signatory depositing its instrument after such entry into force, the Convention shall enter into force on the sixtieth day after deposit of its instrument.

## Ratification Status of Signatory Countries to the OECD Anti-Bribery Convention (As of June 10, 2000)

Signatory Country	Ratified	Legislation Approved	Instrument of Ratification Deposited With OECD Secretariat <sup>1</sup>	Convention Enters Into Force
Totals: 34	25	21	21	21
Argentina				
Australia	NA	June 17, 1999	October 18, 1999	December 17, 1999
Austria	April 1, 1999	October 1, 1998 <sup>2</sup>	May 20, 1999	July 19, 1999
Belgium	June 9, 1999	April 3, 1999 <sup>2</sup>	July 27, 1999	September 25, 1999
Brazil				
Bulgaria	June 3, 1998	January 15, 1999	December 22, 1998	February 15, 1999
Canada	December 17, 1998	December 10, 1998	December 17, 1998	February 15, 1999
Chile				
Czech Republic	December 20, 1999	April 29, 1999	January 21, 2000	March 21, 2000
Denmark		March 30, 2000		
Finland	October 9, 1998	October 9, 1998	December 10, 1998	February 15, 1999
France	May 25, 1999			
Germany	November 10, 1998	September 10, 1998	November 10, 1998	February 15, 1999
Greece	November 5, 1998	November 5, 1998	February 5, 1999	February 15, 1999
Hungary	December 4, 1998	December 22, 1998	December 4, 1998	February 15, 1999
Iceland	August 17, 1998	December 22, 1998	August 17, 1998	February 15, 1999
Ireland				
Italy				
Japan	May 22, 1998	September 18, 1998	October 13, 1998	February 15, 1999
Korea	December 17, 1998	December 17, 1998	January 4, 1999	February 15, 1999
Luxembourg				
Mexico	April 21, 1999	April 30, 1999	May 27, 1999	July 26, 1999
The Netherlands				
New Zealand				
Norway	December 18, 1998	October 27, 1998	December 18, 1998	February 15, 1999
Poland	April 13, 2000			
Portugal	March 31, 2000			
Slovak Republic	February 11, 1999	September 1, 1999 <sup>3</sup>	September 24, 1999	November 23, 1999
Spain	December 1, 1998	January 11, 2000	January 14, 2000	March 14, 2000
Sweden	May 6, 1999	March 25, 1999	June 8, 1999	August 7, 1999
Switzerland	December 22, 1999	December 22, 1999	May 31, 2000	July 30, 2000
Turkey	February 1, 2000			
United Kingdom	December 14, 1998	(Need for implementing legislation still under review)	December 14, 1998	February 15, 1999
United States	November 20, 1998	November 10, 1998	December 8, 1998	February 15, 1999

NA = Not available.

<sup>1</sup> The Convention entered into force February 15, 1999. The Convention will enter into force for all other signatories on the sixtieth day after each signatory deposits an instrument of ratification with the OECD.

<sup>2</sup> Date legislation came into effect.

<sup>3</sup> Date partial implementing legislation came into effect.

## **Brazil**

The bill to ratify the Convention has been approved by the Chamber of Deputies and is being examined by the Senate's Foreign Affairs Committee. Following the Senate Committee's approval, the Convention will move to the Constitution and Justice Committee and then on to a plenary vote. The Foreign Ministry expects that the bill could be passed in June or July 2000. After the bill to ratify the Convention is approved by Congress, implementing legislation will be drafted. Once the bill to ratify the Convention and the implementing legislation are approved, both texts will go to the President for signature. The government expects to complete this process in 2000.

## **Chile**

The Chamber of Deputies approved the draft bill to ratify the Convention on March 23, 2000. The draft bill was then sent to the Senate, which is expected to approve it, possibly in October 2000. Ratification requires the approval of both congressional chambers. Normal procedures would require three months, at a minimum, before Senate action. Following ratification, the government will formally propose implementing legislation. Studies on the necessary amendments to national law are under way.

## **Denmark**

Draft implementing legislation was submitted to Parliament in the spring of 1999. The legislation was approved on March 30, 2000, and went into effect on May 1, 2000. The government expects to obtain ratification of the Convention in the second half of 2000.

## **France**

The French government completed its internal process for ratification of the Convention with the adoption of law number 99-424 dated May 27, 1999, authorizing ratification. France, however, has not yet formally deposited its instrument of ratification with the OECD or enacted its implementing legislation. The bill containing the French implementing legislation has undergone two readings in the Senate and the National Assembly, in November–December 1999 and in February 2000. A reading by a joint parliamentary commission followed on March 21, 2000. The Senate approved the implementing legislation after a third and final reading on April 4, 2000. The bill has been scheduled for a third reading and adoption by the National Assembly on June 20, 2000. France is expected to deposit its instrument of ratification with the OECD

shortly after its implementing legislation is enacted. We have some concerns regarding the draft French legislation and have been tracking it very closely. We will continue to monitor France's progress and provide additional information in next year's report.

## **Ireland**

Legislation to ratify and implement the Convention, entitled the Prevention of Corruption Bill 2000, was submitted to Parliament in January 2000. The government expects that all stages in both houses will be completed before the end of 2000.

## **Italy**

The Chamber of Deputies approved the bill to ratify and implement the Convention on March 24, 1999. The Senate approved a similar bill on May 10, 2000, which was submitted for a second reading by the Chamber of Deputies on June 7, 2000. The Chamber of Deputies approved the draft bill with some further amendments, which must be resubmitted for approval to the Senate. The Italian government is endeavoring to complete the entire ratification procedure before the OECD ministerial meeting on June 26–27, 2000.

## **Luxembourg**

On February 15, 2000, the State Council gave its approval to ratify and implement the Convention. The bill was originally submitted to the Council on January 12, 1998, and amended twice by the government, on December 16, 1998, and on January 31, 2000. With the Council's review complete, the Convention moved to the Legal Affairs Committee of the Chamber of Deputies for consideration, the final stage in the legislative process prior to a vote by the full Chamber and signature by the Grand Duke. However, the Committee made some amendments to the bill, which will have to be resubmitted to the State Council. It is expected that implementing legislation will be adopted by Parliament during the second half of 2000.

## **The Netherlands**

Bills to ratify and implement the Convention were sent to Parliament in April 1999. The implementing bill has been amended to take account of questions raised by Parliament's Justice Committee. A full reading of the implementing legislation by Parliament was scheduled for June but was removed due to more urgent matters. The bills must be adopted by both chambers of Parliament. The government is looking to complete the ratification process during 2000.

## **New Zealand**

A bill to ratify the Convention was initially introduced to Parliament in September 1999 but consideration was delayed by the change in government. The bill is now being reviewed by a new parliamentary committee, which completed the public comment phase on the bill on March 3, 2000. Subject to decisions of the new government on the substance of the bill, passage could come by the end of 2000 or possibly earlier.

## **Poland**

The ratification bill was approved by the two chambers of Parliament in January 2000 and thereafter by the President. It has since been published in Poland's Official Journal. Draft implementing legislation was submitted to Parliament on February 15, 2000, and is expected to be adopted in 2000.

## **Portugal**

The National Assembly approved ratification by resolution number 32/2000 of December 2, 1999. Presidential decree number 19/2000 authorizing ratification was issued on March 31, 2000. Ratification of the Convention became effective with its publication in the *Diary of the Republic* on March 31, 2000. However, the legislation necessary to bring Portugal's criminal law into conformity with the Convention is still at an early stage of preparation.

## **Turkey**

The bill ratifying the Convention received parliamentary approval on February 1, 2000, and entered into force on February 6, 2000. Approval by the cabinet, however, must be obtained before an instrument of ratification can be deposited with the OECD. Once secured, articles of ratification will be forwarded to the President for signature, and then an instrument will be deposited with the OECD. An inter-ministerial committee has prepared draft implementing legislation, including amendments to the penal, income tax, and tender codes. The draft bill has been sent to the Ministry of Justice for review. Following cabinet approval, the bill is expected to be sent to Parliament after the summer recess.

## **Efforts to Encourage Implementation**

The Convention's effectiveness for reducing bribery will be constrained until all signatories—particularly important exporters such as Brazil, France, Italy, and the Netherlands—have brought the Convention into effect. The United States has therefore continued to give a high

priority to encouraging signatories to complete their ratification procedures and enforce the Convention. Over the past year, U.S. officials have encouraged signatories to ratify and implement the Convention in both public statements and direct contacts with foreign governments. The Secretaries of Commerce, State, and the Treasury, as well as senior officials of these agencies, have used a variety of opportunities to comment on the importance of the Convention and underscore U.S. concern that all signatories implement it as soon as possible. U.S. agencies have also continued to encourage the U.S. and foreign private sectors to support the Convention and work to eliminate the bribery of foreign public officials in international business.